



## MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, AUGUST 26, 2014

The Council of the City of San José convened in Regular Session at 9:34 a.m. in the Council Chambers at City Hall.

Present: Council Members - Campos, Chu (9:40 a.m.), Constant, Herrera (9:42 a.m.), Kalra (9:42 a.m.), Liccardo, Nguyen, Oliverio, Rocha (9:43 a.m.); Reed.

Absent: Council Members - Khamis. (Excused)

### STRATEGIC SUPPORT SERVICES

#### 3.2 Accept Labor Negotiations Update.

There was no report.

### CLOSED SESSION

Upon motion unanimously adopted, Council recessed at 9:35 a.m. to a Closed Session in Room W133 (A) to confer with Legal Counsel pursuant to Government Code Section 54956.9(d)(1) with respect to existing litigation: (1) Friends of the William Glen Trestle v. City of San José, et al. Names of Parties Involved: Friends of the Willow Glen Trestle, an unincorporated association, City of San José and City Council of the City of San José; Court: Superior Court of California, County of Santa Clara, Unlimited Jurisdiction; Case No: 1-14-CVB-260439; Amount of Money or Other Relief Sought: Damages according to proof. (2) Marker, Mercedes v. City, Son Vu. Names of Parties Involved: Mercedes Marker, City of San José and Son Vu; Court: United States District Court, Northern District of California; Case No: C09-05956 RMW; Amount of Money or Other Relief Sought: Damages according to proof. (B) to confer with Labor Negotiator pursuant to Government Code Section 54957.6: City Negotiator: City Manager Designee Alex Gurza; Employee Organizations: (1) Association of Building, Mechanical and Electrical Inspectors (ABMEI); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement

## **CLOSED SESSION (Cont'd.)**

between City of San José and ABMEI. (2) Association of Engineers & Architects (AEA); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AEA. (3) Association of Maintenance Supervisory Personnel (AMSP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AMSP. (4) City Association of Management Personnel Agreement (CAMP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CAMP. (5) Confidential Employees' Organization, AFSCME Local 101 (CEO); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CEO. (6) International Association of Firefighters, Local 230 (IAFF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Association of Firefighters. (7) International Brotherhood of Electrical Workers (IBEW); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and IBEW. (8) Municipal Employees' Federation, AFSCME Local 101, AFL-CIO (MEF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and MEF; (9) International Union of Operating Engineers, Local No. 3 (OE#3); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Union of Operating Engineers, Local No. 3. (10) San José Police Officers' Association (SJPOA); Nature of Negotiations: Salaries, Hours, Working Conditions, etc; Name of Existing Wages Contract or MOA: Memorandum of Agreement between City of San José and San José Police Officers' Association. (11) Association of Legal Professionals of San José (ALP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc. Web: <http://www.sanjoseca.gov/?nid=186>; Telephone for Employee Relations: 408-535-8150.

By unanimous consent, Council recessed from the Closed Session at 10:50 a.m. and reconvened to Regular Session at 1:32 p.m. in the Council Chambers.

Present: Council Members - Campos, Chu, Constant, Herrera, Kalra, Liccardo, Nguyen, Oliverio, Rocha; Reed.

Absent: Council Members - Khamis. (Excused)

## **INVOCATION**

Pastor John Goldstein, Grace Evergreen Church offered the Invocation. (District 7)

## **PLEDGE OF ALLEGIANCE**

Mayor Reed led the Pledge of Allegiance.

## **ORDERS OF THE DAY**

Upon motion by Vice Mayor Nguyen, seconded by Council Member Herrera and carried unanimously, the Orders of the Day and the Amended Agenda were approved, and Item 4.1 through Item 4.6 were heard concurrently. (10-0-1. Absent: Khamis.)

## **CEREMONIAL ITEMS**

### **1.1 Presentation of a proclamation declaring August 26, 2014 as "Women's Equality Day" in the City of San José. (Herrera/Nguyen)**

Mayor Reed, Council Member Herrera and Vice Mayor Nguyen declared August 26, 2014 as "Women's Equality Day" in San José.

## **CONSENT CALENDAR**

Upon motion by Vice Mayor Nguyen, seconded by Council Member Herrera and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (10-0-1. Absent: Khamis.)

### **2.1 Approval of Minutes.**

There were none.

### **2.2 Final Adoption of Ordinances.**

There were none.

### **2.3 Approval of Council Committee Reports.**

#### **(a) Rules and Open Government Committee Report of August 6, 2014. (Mayor)**

Action: Deferred to September 9, 2014 per Rules and Open Government Committee.

### **2.4 Mayor and Council Excused Absence Requests.**

There were none.

### **2.5 City Council Travel Reports.**

There were none.

**2.6 Report from the Council Liaison to the Retirement Boards.**

There were none.

- 2.7 (a) Adopt the following 2014-2015 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:**
- (1) Increase the Beginning Fund Balance by \$596,000.**
  - (2) Increase the Police Administration Building Security Upgrades appropriation to the Public Works Department by \$596,000.**
- (b) Adopt the following 2014-2015 Appropriation Ordinance and Funding Sources Resolution amendments in the Building and Structure Construction Tax Fund:**
- (1) Increase the Beginning Fund Balance by \$429,000.**
  - (2) Increase the The Alameda – A Plan for the Beautiful Way appropriation to the Department of Transportation by \$429,000.**
- (c) Adopt the following 2014-2015 Appropriation Ordinance and Funding Sources Resolution amendments in the Water Utility Capital Fund:**
- (1) Increase the Beginning Fund Balance by \$98,000.**
  - (2) Increase the Nortech and Trimble Reservoir Rehabilitation appropriation to the Environmental Services Department by \$98,000.**

**CEQA: Not a Project, File No. PP10-067(b), Appropriation Ordinance. (City Manager)**

Documents Filed: Memorandum from Deputy City Manager/Budget Director Jennifer A. Maguire, dated August 4, 2014, recommending adoption of appropriation ordinances and funding sources resolution amendments.

Action: Ordinance No. 29457: entitled: “An Ordinance of the City of San José Amending Ordinance No. 29432 To Appropriate Monies in the General Fund for the Police Administration Building Security Upgrades; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption”; Resolution No. 77131, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 77037 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2014-2015 To Adjust Revenues in the General Fund”; Ordinance No. 29458, entitled: “An Ordinance of the City of San José Amending Ordinance No. 29432 To Appropriate Monies in the Building and Structure Construction Tax Fund for The Alameda – A Plan for the Beautiful Way; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption”; Resolution No. 77132, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 77037 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2014-2015 To Adjust Revenues in the Building and Structure Construction Tax Fund”; Ordinance No. 29459, entitled: “An Ordinance of the City of San José Amending Ordinance No. 29432 To Appropriate Monies in the Water Utility Capital Fund for the Nortech and Trimble Reservoir Rehabilitation; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption” and Resolution No. 77133, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 77037 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2014-2015 To Adjust Revenues in the Water Utility Capital Fund”, were adopted. (10-0-1. Absent: Khamis.)

**2.8 As recommended by the Transportation and Environment Committee on August 11, 2014:**

- (a) Accept the update on the 2013 – 2014 Stormwater Permit Annual Report developed in conformance with the Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit requirements, pursuant to the Federal Water Act.**
- (b) Authorize certification and submittal of the 2013 – 2014 Stormwater Permit Annual Report to the San Francisco Bay Regional Water Quality Control Board in conformance with the Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit requirements.**

**CEQA: Not a Project, File No. PP10-069(a), Annual Report. (Environmental Services)**

Documents Filed: (1) Memorandum from City Clerk Toni J. Taber, CMC, dated August 14, 2014, transmitting the recommendations of the Transportation and Environment Committee. (2) Supplemental memorandum from Director of Environmental Services Kerrie Romanow, dated August 14, 2014, transmitting the 2013-2014 Stormwater Permit Annual Report for Council certification and approval to submit to the San Francisco Bay Regional Water Quality Control Board.

Public Comments: David Wall expressed his opinion on the 2013-2014 Stormwater Permit Annual Report and the unprotected storm drains.

Action: Upon motion by Vice Mayor Nguyen, seconded by Council Member Herrera and carried unanimously, the update on the 2013-2014 Stormwater Permit Annual Report developed in conformance with the Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit requirements, pursuant to the Federal Water Act was accepted and certification and submittal of the 2013-2014 Stormwater Permit Annual Report to the San Francisco Bay Regional Water Quality Control Board in conformance with the Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit requirements, was authorized. (10-0-1. Absent: Khamis.)

**2.9 Approve a Second Amendment to the Original Parkland Agreement with Montecito Vista Project Owner, LLC, formerly with ROEM Development Corporation, for Planned Development Permit PD06-062, associated with Tentative Map No. PT05-113 and Final Tract Map 9831 to revise Exhibit C – Fees and Credit Summary. CEQA: Goble Lane Mixed Use Development Project EIR, Resolution No. 72877, as addended. Council District 7. (Parks, Recreation and Neighborhood Services)**

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Julie Edmonds-Mares, dated August 4, 2014, recommending approval of a second amendment to the original Parkland agreement.

Action: A Second Amendment to the Original Parkland Agreement with Montecito Vista Project Owner, LLC, formerly with ROEM Development Corporation, for Planned Development Permit PD06-062, associated with Tentative Map No. PT05-113 and Final Tract Map 9831 to revise Exhibit C – Fees and Credit Summary, was approved. (10-0-1. Absent: Khamis.)

**2.10 Adopt a resolution summarily vacating a portion of Aiello Drive 600 feet south of Umbarger Road. CEQA: Mitigated Negative Declaration, File No. PDC05-071. Council District 7. (Public Works)**

Documents Filed: Memorandum from Director of Public Works David Sykes, dated August 4, 2014, recommending adoption of a resolution.

Action: Resolution No. 77134, entitled: “A Resolution of the Council of the City of San José Summarily Vacating a Portion of Aiello Drive”, was adopted. (10-0-1. Absent: Khamis.)

**2.11 Approve the continuation agreement to the Master Agreement with Royston Hanamoto Alley and Abey for various City trail projects extending the term of the agreement from January 31, 2014 to December 31, 2014, in order to provide services for the Three Creeks Trail Master Plan project. CEQA: Not a Project, File No. PP10-066(d), Consultant Services for Design to determine the feasibility of a project with no commitment to future action. Council District 6. (Public Works)**

Documents Filed: City Council Action Request from Acting Assistant Director of Public Works Barry Ng, dated August 12, 2014, 2014, recommending approval of the continuation agreement to the master agreement.

Action: The continuation agreement to the Master Agreement with Royston Hanamoto Alley and Abey for various City trail projects extending the term of the agreement from January 31, 2014 to December 31, 2014, in order to provide services for the Three Creeks Trail Master Plan project, was approved. (10-0-1. Absent: Khamis.)

**2.12 As recommended by the Rules and Open Government Committee on August 20, 2014; approve a position to approve a resolution regarding illegal marijuana grow sites, to be considered at the Annual League of California Cities Conference to be held in Los Angeles, September 3 – 5, 2014. (City Manager)  
[Rules Committee referral 8/20/14 – Item G(3)]**

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated August 21, 2014, transmitting the recommendations of the Rules and Open Government Committee.

Action: A position to approve a resolution regarding illegal marijuana grow sites, to be considered at the Annual League of California Cities Conference to be held in Los Angeles, September 3 – 5, 2014, was authorized. (10-0-1. Absent: Khamis.)

**2.13 As recommended by the Rules and Open Government Committee on August 20, 2014:**

(a) **Approve the Colombian Flag Raising as a City Council sponsored Special Event and approve the expenditure of city funds.**

(b) **Approve and accept donations from various individuals, businesses, or community groups to support the event.**

**CEQA: Not a Project. (Khamis)**

## **2.13 (Cont'd.)**

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated August 21, 2014, transmitting the recommendations of the Rules and Open Government Committee.

Action: The Colombian Flag Raising as a City Council sponsored Special Event and the expenditure of funds were approved and acceptance of donations from various individuals, businesses or community groups to support the event was authorized. (10-0-1. Absent: Khamis.)

## **2.14 As recommended by the Rules and Open Government Committee on August 20, 2014:**

- (a) Approve the Azerbaijan Flag Raising as a City Council sponsored Special Event.**
- (b) Approve expending funds and accepting donations from various individuals, businesses, or community groups to support the event.**

**CEQA: Not a Project. (Nguyen)**

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated August 21, 2014, transmitting the recommendations of the Rules and Open Government Committee.

Action: The Azerbaijan Flag Raising as a City Council sponsored Special Event and the expenditure of funds were approved and acceptance of donations from various individuals, businesses or community groups to support the event was authorized. (10-0-1. Absent: Khamis.)

## **END OF CONSENT CALENDAR**

## **STRATEGIC SUPPORT SERVICES**

### **3.1 Report of the City Manager, Edward Shikada (Verbal Report).**

City Manager Edward K. Shikada declared that the 6.0 earthquake centered in Napa this past weekend provided a reminder of the importance of preparing for earthquakes and other disasters. City Manager Edward K. Shikada pointed out that the City has posted useful information on its home page at [sanjoseca.gov](http://sanjoseca.gov) and it is linked to the Federal Emergency Preparedness website.

### **3.3 As recommended by the Rules and Open Government Committee on August 6, 2014:**

- (a) Approve the ordinance renaming Title 12 of the San José Municipal Code and adding a new Chapter 12.21 to codify Open Government provisions.**
- (b) Adopt a resolution repealing the following City Council policies and resolutions, and consolidating these provisions into the “Consolidated Open Government and Ethics Resolution”:**

- 3.3 (b) (1) **City Council Policy 0-32: Disclosure and Sharing of Material Facts and Communications Received During Council Meetings.**
- (2) **City Council Policy 0-33: Public Records Policy and Protocol.**
- (3) **City Council Policy 0-34: City Council Declaration of Conflict of Interest Policy.**
- (4) **City Council Policy 0-35: Procurement and Contract Process Integrity and Conflict of Interest.**
- (5) **Resolution No. 75091: Approving Sunshine Reform Task Force Phase II Recommendations (with some exceptions) as amended by the Rules and Open Government Committee and Directing Implementation on a Pilot Basis.**
- (6) **Resolution No. 75140: Approving Certain Sunshine Reform Task Force Phase II Recommendations, as amended by the Rules and Open Government Committee and Directing Implementation on a Pilot Basis.**
- (7) **Resolution No. 75292: Approving Certain Sunshine Reform Task Force Phase I and Phase II Recommendations and Directing Implementation on a Pilot Basis.**
- (8) **Resolution No. 75978: Amending the Open Government Requirements as it Relates to Videotaping Certain Council Meetings.**
- (c) **Adopt a resolution amending the Council's Rules of Conduct resolution to delete Rule 1.5, Closed Session Meetings, and Rule 6.5, Additional Rules of Procedure, which have been incorporated into the Consolidated Open Government and Ethics Resolution, making conforming and clarifying changes, and superseding Resolution No. 76475, the current Council Rules Resolution, dated October 23, 2012.**
- (d) **Adopt a resolution amending the FY 2014-2015 Schedule of Fees and Charges (Resolution No. 72737, as amended) to establish that there will be no charge for a response to a Public Records Act request in which the total duplication charges are less than \$5.**
- (e) **Direct staff to review the appropriate length of time to require retention of video recordings of the meetings of the City Council and Council Committees, and to modify record retention schedules accordingly.**

**CEQA: Not a Project; File No. PP10-068(c), Municipal Code or Policy. (City Clerk/City Attorney/City Manager)**

Documents Filed: (1) Memorandum from City Attorney Richard Doyle, City Manager Edward K. Shikada and City Clerk Toni J. Taber, CMC, recommending approval of an ordinance, adoption of resolutions and direction to Staff. (2) Staff presentation dated August 26, 2014 summarizing Open Government Legislation.

Mayor Reed presented introductory remarks.

Former City Clerk Lee Price provided a presentation outlining the proposed changes and refinements for Open Government Legislation.

### 3.3 (Cont'd.)

Mayor Reed related positive comments he has received from Mayors across the State as well as the Country regarding the success of open government in the City of San José. Mayor Reed thanked City Staff and his Council colleagues for making it work so well.

Motion: Council Member Constant moved approval of the Staff recommendations. Council Member Herrera seconded the motion.

Council discussion ensued.

Public Comments: David Wall expressed comments on Open Government Legislation.

Council Member Oliverio moved approval to reconsider the motion to add a specific time certain for the deadline on Friday. There was no second.

Action: On a call for the question, the motion carried unanimously, Ordinance No. 29460, entitled: “An Ordinance of the City of San José Amending Title 12 of the San José Municipal Code to (1) Rename Title 12 Ethics and Open Government Provisions; (2) Amend Section 12.02.010 of Chapter 12.02 To Clarify That The Ethics Commission Has Jurisdiction to Review Compliance With the Provisions of Title 12 and (3) Add Chapter 12.21 To Codify Various Open Government Provisions”, was passed for publication; Resolution No. 77135, entitled: “A Resolution of the Council of the City of San José Consolidating Open Government and Ethics Provisions and Repealing Various Resolutions and City Council Policies”; Resolution No. 77136, entitled: “A Resolution of the Council of the City of San José Amending the Rules for the Conduct of Its Meetings, Superseding Resolution No. 76475”; Resolution No. 77137, entitled: A Resolution of the City of San José Amending Resolution No. 72737 As Previously Amended By Resolutions Numbers 73019, 73056, 73242, 73637, 73831, 73879, 73881, 74035, 74047, 74452, 74839, 74841, 74981, 75135, 75334, 75338, 75442, 75502, 75509, 75600, 75610, 75639, 75641, 75684, 75725, 75783, 75863, 75913, 76085, 76230, 76282, 76397, 76476, 76611, 76663, 76953, 77018, 77102 and 77110 To Establish That There Will Be No Charge For A Response To A Public Records Act Request In Which The Total Duplication Charges Are Less Than Five Dollars, To Be Effective August 26, 2014”, were adopted. Staff was directed to review the appropriate length of time to require retention of video recordings of the meetings of the City Council and Council Committees, and to modify record retention schedules accordingly. (10-0-1. Absent: Khamis.)

### 3.4 **Approve an ordinance amending Title 12 of the San José Municipal Code to add a new Chapter 12.22 to define certain City Council decisions impacting specified relationship as conflicts of interest. CEQA: Not a Project; File No. PP10-068(c), Municipal Code or Policy. (City Attorney)**

Documents Filed: Memorandum from City Attorney Richard Doyle, dated August 15, 2014, recommending approval of an ordinance.

### 3.4 (Cont'd.)

Mayor Reed presented background information on the ordinance to define certain Council decisions impacting specified relationships as conflicts of interest.

Motion: Council Member Constant moved approval of the Staff recommendations with Staff directed to analyze and consider allowing discretion to overlapping agencies, including spouses on corresponding boards and to return to Council with the issues governing that. Council Member Herrera seconded the motion.

City Attorney Richard Doyle and Chief Deputy City Attorney Patricia A. Deignan provided additional clarifications.

Action: On a call for the question, the motion carried unanimously, Ordinance No. 29461, entitled: “An Ordinance of the City of San José Amending Title 12 of the San José Municipal Code to Add a New Chapter 12.22 to Define Certain Council Decisions Impacting Specified Relationships as Conflicts of Interest”, was passed for publication. Staff was directed to analyze and consider allowing discretion to overlapping agencies, i.e. spouses on corresponding boards, and return to Council with the issues governing that. (10-0-1. Absent: Khamis.)

### 3.5 **Discuss and direct staff regarding Priority Ordinances and Policy Initiatives, with priorities to be initiated as current top ten priorities are completed. CEQA: Not a Project, File No. PP10-069(a), Staff Reports. (City Manager)**

Action: Deferred to September 9, 2014 per Administration.

### 3.6 (a) **Consider the appeal by RS Computer Associates, LLC regarding the Report on Request for Proposals for an Electronic Content Management System and adopt a resolution setting forth the decision of the City Council.**

Mayor Reed opened the floor for the Appellant to speak on the appeal.

Sam Doying, RS Computer Associates, LLC, explained that his company believes this decision is wrong based upon the following four points: (1) The City did not follow its own defined process. (2) The discussion not to include RS Computer Associates, LLC in Phase 4 of the evaluation process was arbitrary. (3) The City is increasing its risk by selecting Tribloom. (4) Both issues which caused RS Computer Associates, LLC to be disqualified in the first round were taken off the table in the second round.

Manager of Finance Mark Giovannetti and Director of Planning, Building and Code Enforcement Harry Freitas responded to the appeal of Mr. Doying.

Council discussion ensued.

3.6 (a) (Cont'd.)

Action: Upon motion by Council Member Liccardo, seconded by Council Member Herrera and carried unanimously, Resolution No. 77138, entitled: “A Resolution of the Council of the City of San José Denying the Appeal by RS Computer Associates, LLC of the Denial of Its Protest Regarding the Electronic Content Management System Request for Proposals”, was adopted. (8-0-3. Absent: Constant, Khamis, Oliverio.)

- (b) **Accept the report on Request for Proposals for an Electronic Content Management System and adopt a resolution authorizing the City Manager to:**
- (1) **Negotiate and execute an Agreement with M Squared Enterprises Inc., doing business as Tribloom Inc. (Palmer Lake, CO) for the purchase of an Electronic Content Management System to include software, installation, implementation, data migration, training and related professional services, six years software maintenance and support and one year of cloud hosting services, for an initial six-year term ending in the year 2021, with a maximum compensation not-to-exceed \$1,264,909.**
  - (2) **On an annual basis, either negotiate and execute five one-year options with Tribloom Inc., or contract with another provider, for cloud hosting services, with annual compensation not to exceed \$78,340 or \$391,700 for up to five years through the year 2021, subject to the appropriation of funds.**
  - (3) **Execute change orders to cover any unanticipated changes or requirements in the system design and implementation not to exceed \$123,459 (15% of first year compensation) as may be required, subject to the appropriation of funds.**
  - (4) **After the initial six-year term, execute one-year options to extend services to provide ongoing software maintenance and technical support with Tribloom Inc., and with the cloud hosting services provider, subject to the annual appropriation of funds.**
- (c) **Adopt the following 2014-2015 Appropriation Ordinance amendments in the General Fund:**
- (1) **Establish a City-Wide appropriation to the Planning, Building, and Code Enforcement Department for the Development Fee Program Electronic Content Management System project in the amount of \$950,000.**
  - (2) **Decrease the Development Fee Program Technology Reserve by \$950,000.**

**CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts. (Finance/Planning, Building and Code Enforcement/City Manager)**

### 3.6(b) (Cont'd.)

Documents Filed: (1) Memorandum from Director of Finance Julia H. Cooper, Director of Planning, Building and Code Enforcement Harry Freitas and Deputy City Manager/Budget Director Jennifer A. Maguire, dated August 4, 2014, recommending consideration of the appeal, acceptance of the report on Request for Proposals and adoption of a resolution and appropriation ordinance amendments. (2) Staff presentation dated August 26, 2014 summarizing the Electronic Content Management System.

Motion: Council Member Liccardo moved approval of the Staff recommendations. Council Member Herrera seconded the motion.

Mayor Reed opened the Public Hearing.

Public Comments: Perry Mistry presented comments on the Request for Proposal for the Electronic Content Management System.

Mayor Reed closed the Public Hearing.

Action: On a call for the question, the motion carried unanimously, the Report on the Request for Proposals for an Electronic Content Management System was accepted; Resolution No. 77139, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Agreement with M Squared Enterprises Inc. DBA Tribloom Inc. for the Purchase of an Electronic Content Management System" and Ordinance No. 29462, entitled: "An Ordinance of the City of San José Amending Ordinance No. 29431 To Appropriate Monies in the General Fund for the Development Fee Program Electronic Content Management System; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption", were adopted. (10-0-1. Absent: Khamis.)

## COMMUNITY & ECONOMIC DEVELOPMENT

### 4.1 **Consideration of an ordinance rezoning the real property located on the northwest corner of North Market Street and West Saint James Street (201 North Market Street) from the DC Downtown Primary Commercial Zoning District to the PQP Public/Quasi-Public Zoning District to allow publicly serving uses on a 0.45 gross acre site (Successor Agency to the Redevelopment Agency of the City of San José, Owner). CEQA: Envision San José 2040 General Plan EIR, Resolution No. 76041. Planning Commission recommends approval. (Planning, Building and Code Enforcement)**

#### **C14-011 – District 3**

Documents Filed: (1) Memorandum from Planning Commission Secretary Harry Freitas, dated August 15, 2014, transmitting the recommendation of the Planning Commission and the Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. C14-011 dated August 5, 2014. (2) Proof of Publication of Notice of Public Hearing, executed on July 25, 2014, submitted by the City Clerk.

#### 4.1 (Cont'd.)

Mayor Reed opened the Public Hearing.

Public Comments: David Wall expressed support to the Staff recommendations.

Mayor Reed closed the Public Hearing.

Action: Upon motion by Council Member Council Member Liccardo, seconded by Council Member Council Member Herrera and carried unanimously, the recommendation of the Planning Director was approved, Ordinance No. 29463, entitled: “An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.45 Acres Situated on the Northwest Corner of N. Market Street and W. St. James Street from DC Downtown Primary Commercial Zoning District to the PQP Public/Quasi-Public Zoning District”, was passed for publication. (10-0-1. Absent: Khamis.)

#### 4.2 **Consideration of an ordinance rezoning the real property located on the northeast corner of South 1<sup>st</sup> Street and East Williams Street (490 South 1<sup>st</sup> Street) from the DC Downtown Primary Commercial Zoning District to the PQP Public/Quasi-Public Zoning District to allow publicly serving uses on a 0.44 gross acre site (Successor Agency to the Redevelopment Agency of the City of San José, Owner). CEQA: Envision San José 2040 General Plan EIR, Resolution 76041. Planning Commission recommends approval. (Planning, Building and Code Enforcement) C14-012 – District 3**

Documents Filed: (1) Memorandum from Planning Commission Secretary Harry Freitas, dated August 15, 2014, transmitting the recommendation of the Planning Commission and the Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. C14-012 dated August 5, 2014. (2) Proof of Publication of Notice of Public Hearing, executed on July 25, 2014, submitted by the City Clerk.

Mayor Reed opened the Public Hearing.

Public Comments: There was no public testimony from the floor. Mayor Reed closed the Public Hearing.

Action: Upon motion by Council Member Council Member Liccardo, seconded by Council Member Herrera and carried unanimously, the recommendation of the Planning Director was approved, Ordinance No. 29464, entitled: “An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.44 Acres Situated on the Northeast Corner of S. First Street and E. William Street from the DC Downtown Primary Commercial Zoning District to the PQP Public/Quasi-Public Zoning District”, was passed for publication. (10-0-1. Absent: Khamis.)

**4.3 Consideration of an ordinance rezoning the real property located on the southwest corner of The Alameda and Cleaves Avenue (938 The Alameda) from the CG Commercial General Zoning District to the PQP Public/Quasi-Public Zoning District to allow publicly serving uses on a 0.54 gross acre site (Successor Agency to the Redevelopment Agency of the City of San José, Owner). CEQA: Envision San José 2040 General Plan EIR, Resolution 76041. Planning Commission recommends approval. (Planning, Building and Code Enforcement)  
C14-013 – District 6**

Documents Filed: (1) Memorandum from Planning Commission Secretary Harry Freitas, dated August 15, 2014, transmitting the recommendation of the Planning Commission and the Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. C14-013 dated August 5, 2014. (2) Proof of Publication of Notice of Public Hearing, executed on July 25, 2014, submitted by the City Clerk.

Mayor Reed opened the Public Hearing.

Public Comments: There was no public testimony from the floor. Mayor Reed closed the Public Hearing.

Action: Upon motion by Council Member Council Member Liccardo, seconded by Council Member Council Member Herrera and carried unanimously, the recommendation of the Planning Director was approved, Ordinance No. 29465, entitled: “An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.54 Acres Situated on the Southwest Corner of The Alameda and Cleaves Avenue from the CG Commercial General Zoning District to the PQP Public/Quasi-Public Zoning District”, was passed for publication. (10-0-1. Absent: Khamis.)

**4.4 Consideration of an ordinance rezoning the real property located on the west side of South 1<sup>st</sup> Street, approximately 250 feet south of West San Carlos Street (345 1<sup>st</sup> Street) from the DC Downtown Core Zoning District to the PQP Public/Quasi-Public Zoning District to allow publicly serving uses on a 0.96 gross acre site (Successor Agency to the Redevelopment Agency of the City of San José, Owner). CEQA: Envision San José 2040 General Plan EIR, Resolution 76041. Planning Commission recommends approval. (Planning, Building and Code Enforcement)  
C14-014 – District 3**

Documents Filed: (1) Memorandum from Planning Commission Secretary Harry Freitas, dated August 15, 2014, transmitting the recommendation of the Planning Commission and the Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. C14-014 dated August 5, 2014. (2) Proof of Publication of Notice of Public Hearing, executed on July 25, 2014, submitted by the City Clerk.

Mayor Reed opened the Public Hearing.

#### 4.4 (Cont'd.)

Public Comments: There was no public testimony from the floor. Mayor Reed closed the Public Hearing.

Action: Upon motion by Council Member Council Member Liccardo, seconded by Council Member Council Member Herrera and carried unanimously, the recommendation of the Planning Director was approved, Ordinance No. 29466, entitled: “An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.96 Acres Situated on the West Side of South First Street, Approximately 250 Feet South of W. San Carlos Street From the DC Downtown Primary Commercial Zoning District to the PQP Public/Quasi-Public Zoning District”, was passed for publication. (10-0-1. Absent: Khamis.)

#### 4.5 **Consideration of an ordinance rezoning the real property located on the west corner of the South Market Street and Balbach Street from the DC Downtown Primary Commercial Zoning District to the PQP Public/Quasi-Public Zoning District to allow publicly serving uses on a 4.40 gross acre site (Successor Agency to the Redevelopment Agency of the City of San José, Owner). CEQA: Envision San José 2040 General Plan EIR, Resolution 76041. Planning Commission recommends approval. (Planning, Building and Code Enforcement) C14-015 – District 3**

Documents Filed: (1) Memorandum from Planning Commission Secretary Harry Freitas, dated August 15, 2014, transmitting the recommendation of the Planning Commission and the Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. C14-015 dated August 5, 2014. (2) Proof of Publication of Notice of Public Hearing, executed on July 25, 2014, submitted by the City Clerk.

Mayor Reed opened the Public Hearing.

Public Comments: There was no public testimony from the floor. Mayor Reed closed the Public Hearing.

Action: Upon motion by Council Member Council Member Liccardo, seconded by Council Member Council Member Herrera and carried unanimously, the recommendation of the Planning Director was approved, Ordinance No. 29463, entitled: “An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.45 Acres Situated on the West Corner of S. Market Street and Balbach Street from the DC Downtown Primary Commercial Zoning District to the PQP Public/Quasi-Public Zoning District”, was passed for publication. (10-0-1. Absent: Khamis.)

**4.6 Consideration of four (4) ordinances rezoning from the LI - Light Industrial Zoning District to the PQP – Public/Quasi-Public Zoning District the following:**

- (a) The real property located at the southwest corner of West San Fernando Street and South Montgomery Street.
- (b) The real property located at the southeast corner of West San Fernando Street and South Montgomery Street.
- (c) The real property located in the area bounded by South Montgomery Street and South Autumn Street, approximately 350 feet north of Park Avenue; and
- (d) The real property located at the northwest corner of South Montgomery Street and Park Avenue.

**CEQA: Diridon Station Area Plan EIR, Resolution No. 77096, and Envision San José 2040 General Plan EIR, Resolution No. 76041. Planning Commission recommends approval. (Planning, Building and Code Enforcement)  
C14-016/C14-017/C14-018/C14-019 – District 6**

Documents Filed: (1) Memorandum from Planning Commission Secretary Harry Freitas, dated August 15, 2014, transmitting the recommendation of the Planning Commission and the Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. C14-016/C14-017/C14-018/C14-019 dated August 5, 2014. (2) Revised Proof of Publication of Notice of Public Hearing, executed on August 4, 2014, submitted by the City Clerk.

Mayor Reed opened the Public Hearing.

Public Comments: There was no public testimony from the floor. Mayor Reed closed the Public Hearing.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Herrera and carried unanimously, Ordinance No. 29468, entitled: “An Ordinance of the City of San José Rezoning Certain Real Property Situated on the Southwest Corner of West San Fernando Street and South Montgomery Street on a 1.00 Gross Acre Site (105 South Montgomery Street) from LI Light Industrial Zoning District to the PQP Public/Quasi-Public Zoning District”; Ordinance No. 29469, entitled: “An Ordinance of the City of San José Rezoning Certain Real Property Situated on the Southeast Corner of West San Fernando Street and South Montgomery Street on a 1.25 Gross Acre Site (510 West San Fernando Street) from LI Light Industrial Zoning District to the PQP Public/Quasi-Public Zoning District”; Ordinance No. 29470, entitled: “An Ordinance of the City of San José Rezoning Certain Real Property Bounded by South Montgomery Street and South Autumn Street, Approximately 350 Feet North of Park Avenue on 1.01 Gross Acre Site (150 South Montgomery Street) from LI Light Industrial Zoning District to the PQP Public/Quasi-Public Zoning District” and Ordinance No. 29471, entitled: “An Ordinance of the City of San José Rezoning Certain Real Property Situated on the Northeast Corner of South Montgomery Street and Park Avenue on a 1.61 Gross Acre Site (645 Park Avenue) from LI Light Industrial Zoning District to the PQP Public/Quasi-Public Zoning District”, were passed for publication. (10-0-1. Absent: Khamis.)

- 4.7 (a) **Report on bids and award of a construction contract for 5283 - Martin Park Expansion to the low bidder, Granite Rock Company, in the total amount of \$2,869,295 and approval of a fifteen percent contingency in the amount of \$430,395.**
- (b) **Adopt the following 2014-2015 Appropriation Ordinance and Funding Sources Resolution Amendments in the Subdivision Park Trust Fund:**
- (1) **Increase the Beginning Fund Balance by \$49,000.**
  - (2) **Decrease the Future PDO/PIO Projects Reserve appropriation by \$790,000.**
  - (3) **Increase the Martin Park Expansion Project appropriation to the Parks, Recreation and Neighborhood Services Department by \$839,000.**

**CEQA: Mitigated Negative Declaration, File No. H06-017. Council District 3. (Public Works/Planning, Building and Code Enforcement/City Manager)**

Documents Filed: Memorandum from Director of Public Works David Sykes, Director of Parks, Recreation and Neighborhood Services Julie Edmonds-Mares and Deputy City Manager/Budget Director Jennifer A. Maguire, dated August 4, 2014, recommending award of a construction contract to the low bidder, approval of related contingency and adoption of appropriation ordinance and funding sources resolution amendments.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Herrera and carried unanimously, the report on bids and award of a construction contract for 5283 - Martin Park Expansion to the low bidder, Granite Rock Company, in the total amount of \$2,869,295, with related contingency, was approved, Ordinance No. 29472, entitled: entitled: "An Ordinance of the City of San José Amending Ordinance No. 29431 To Appropriate Monies in the Subdivision Park Trust Fund for the Martin Park Expansion Project; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption" and Resolution No. 77140, entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 77037 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2014-2015 To Adjust Revenues in the Subdivision Park Trust Fund", were adopted. (10-0-1. Absent: Khamis.)

## **ENVIRONMENTAL & UTILITY SERVICES**

- 7.1 **Adopt a resolution declaring a water shortage of 20% citywide and direct staff of the City's Municipal Water System to implement Stage 1 of its Water Shortage Contingency Plan, which describes the City's Municipal Water System's actions in the event of a water shortage, to be in effect through April 25, 2015. CEQA: Exempt, File No. PP14-065. (Environmental Services)**

## 7.1 (Cont'd.)

Documents Filed: (1) Memorandum from Vice Mayor Nguyen and Council Members Liccardo, Chu and Herrera, dated August 22, 2014, recommending approval of the Staff recommendations with further direction to the City Manager. (2) Memorandum from Director of Environmental Services Kerrie Romanow, dated August 4, 2014, recommending adoption of a resolution. (3) Memorandum from City Manager Edward K. Shikada, dated August 21, 2014, providing additional information on water conservation efforts within San José, relevant drought declarations, existing Municipal Code requirements and the drought response actions taken by San José's three water retailers to provide additional context to the Emergency Drought Declaration. (4) Staff presentation dated August 26, 2014 summarizing Emergency Drought Declaration. (5) Letter from a member of the public, dated August 25, 2014, suggesting Proposed Water Rules.

Director of Environmental Services Kerrie Romanow offered the report on Emergency Drought Declaration.

Mayor Reed opened the floor for public testimony.

Public Comments: Speaking in support to the memorandum from Vice Mayor Nguyen and Council Members Liccardo, Chu and Herrera, dated August 22, 2014 and/or in support to the Staff recommendations were: Tony Estremera, Chair, Santa Clara Valley Water District Board of Directors; Susan Landry, Andrés Quintero, representing Assembly Member Nora Campos; Perry Mistry and Ross Signorino. David Wall expressed opposition to the Staff recommendations.

Motion: Council Member Liccardo moved approval of the Staff recommendations and the memorandum he cosigned with Vice Mayor Nguyen and Council Members Chu and Herrera, dated August 22, 2014, with further direction to the City Manager. Council Member Herrera seconded the motion.

Mayor Reed requested to amend the motion to include a referral to Staff to consider how they have communicated with the various water companies, other suppliers, the public, how the customers have met their targets and to also provide assistance to allow the customers to focus and improve. Council Members Liccardo and Herrera accepted the amendment to the motion.

Council discussion ensued.

Director of Environmental Services Kerrie Romanow responded to Council questions and concerns.

## 7.1 (Cont'd.)

Action: On a call for the question, the motion carried unanimously, the memorandum from Council Member Liccardo, Vice Mayor Nguyen and Council Members Chu and Herrera, dated August 22, 2014, adopted the Staff recommendations, with the City Manager directed to: (1) Explore with the Santa Clara Valley Water District a partnership that would accelerate plans for the design and construction of a facility that will replenish underground water basins with recycled water that has undergone advanced treatment/purification. (2) Explore with the Santa Clara Valley Water District the possibility of creating a "water conservation corps" of young adults and teens employed in assisting the District and the City to meet the joint water conservation goals, through paid after-school and summertime jobs at an entry-level wage. (a) Funding: explore with the District the use of some portion of its recently-authorized \$500,000 in funding for new conservation measures, in conjunction with resources from outreach budgets at San José Municipal Water, San José Water Company and Great Oaks Water Company. (b) Management/Oversight: Explore partnerships with organizations such as TeenForce, San José Conservation Corps, or Work2Future to hire, supervise, and administer the program. (c) Responsibilities: Corps members might have such tasks as: 1. Distribution of educational water conservation materials to residents and businesses. 2. Assisting local authorities in verifying and recording of complaints of outdoor waste, (e.g. daytime watering of a front lawn, leaking sprinklers and etc.) dropping off of educational materials and warning letters on front porches where water waste appears prevalent. 3. Assisting residents in tearing out front lawns, planting drought-resistant native plants and trees, building grey-water cisterns, installing rain barrels to capture roof run-off, and the like, working with partners like Our City Forest. 4. Other tasks as directed by the District and Council focused on reducing water consumption. (3) Continue work to identify City owned properties, irrespective of the type of landscaping, where watering can be kept to a bare minimum (or shut-off if feasible) so that the plants and turf affected by the reduction are able to be restored once drought restrictions are lifted; and also identify opportunities for replacing City owned decorative landscaping with drought-tolerant planting. Report back to Council on the progress made in identifying said properties and opportunities. (4) Create a Citywide campaign for outstanding water savers that rewards creative, innovative suggestions for water savings from residents and businesses, with public recognition, and possibly small monetary rewards. (5) Request a joint meeting with the Santa Clara Valley Water District Board of Directors to discuss these and other opportunities for collaborative efforts to improve water conservation in the near term. Resolution No. 77141, entitled: "A Resolution of the Council of the City of San José Declaring a Twenty Percent (20%) Water Shortage Citywide Effective on the Date Adopted by the City Council through April 25, 2015", was adopted. Staff was requested to consider how they have communicated with the various water companies, other suppliers, the public, how the customers have met their targets and to also provide assistance to allow the customers to focus and improve. (10-0-1. Absent: Khamis.)

## TRANSPORTATION & AVIATION SERVICES

- 6.1 (a) As recommended by the Transportation and Environment Committee on August 11, 2014, accept staff's analysis of Council Member Campos' memorandum dated April 2, 2014 regarding recommended changes to City and Airport taxicab permit procedures.
- (b) Approve an amendment to the Agreement with Taxi San José to extend the term for Airport On-Demand Ground Transportation Management services for up to an additional six (6) month period, from October 1, 2014 to March 31, 2015, under the same terms and conditions as the previous contract.

**CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Airport)**

Documents Filed: (1) Memorandum from Council Member Rocha, dated August 22, 2014, recommending approval of the Staff recommendations. (2) Memorandum from City Clerk Toni J. Taber, CMC, dated August 14, 2014, transmitting the recommendations of the Transportation and Environment Committee. (3) Supplemental memorandum from Director of Aviation Services Kimberly Becker Aguirre, dated August 19, 2014, notifying Council that Staff requires additional time to properly complete the Request for Proposal process. (4) Supplemental memorandum from Director of Aviation Services Kimberly Becker Aguirre, dated August 21, 2014, clarifying the Council decision on March 4, 2014 and providing strengthened Request for Proposal language as requested by the Transportation and Environment Committee at the August 11, 2014 Meeting. (5) Staff presentation dated August 26, 2014 summarizing the Airport Ground Transportation Program.

Director of Aviation Kim Becker Aguirre and Assistant Director of Aviation John Aitken presented the report.

Council Member Liccardo clarified that the recommendation from the Transportation and Environment Committee was not unanimous, and pointed out that he also objected to the original Council direction on March 4, 2014.

Mayor Reed opened the floor for public testimony.

Public Comments: Speaking in opposition and/or in favor to the Airport Ground Transportation Program were Tony Alexander, AFCW/Taxi San José; Abdikarim Jama, Sawit Ayele, Green Cab; Marpal Chahal, Parmijit S. Dhillon, Silver Cab Company; Rahul Malik, Kebede Kaba, Navtejpal Singh, Pushpinder Singh, Shumie Abaynem, Omar Tawakuli, Karan Deep, Ali Hasan, Jatinder Mann, Gurnam Singh, Preet Singh Randhawa, Sital Singh, Gurbax Singh, Mumtaz Hussain, Negussu, Tesfalem Abrahm, Hassan Igal, Amjid Malik, Ahmed Dualeh, Devdal Hazara, Abdirahman Ateye, Mohamed Ali, Abdirahman Ajeb, Durrani Iqbal, Vikram Singh, Gurpreet Singh Mann, All Star Cab; Salan Buni, I. Shakur, Larry Silva, Yellow Checker Cab; Kirpal Bajwa, San José Taxi Drivers Association; Sherry Singh, Balbraj Singh Srew, American Cab, Inc.; Shakur Buni, Amrit Pal, Orange Cab; Birramjit Singh, Alpha Cab and David Wall.

## 6.1 (Cont'd.)

Motion: Council Member Rocha moved (1) approval to bifurcate his memorandum dated August 22, 2014 and (2) moved approval of the recommendation contained in the memorandum from Director of Aviation Services Kimberly Becker Aguirre, dated August 19, 2014, to extend the Taxi San José contract until *July 31, 2015, as amended*. Council Member Campos seconded the motion.

Council Member Campos requested to amend the motion to include the following: when the Request for Proposal (RFP) returns to Council, to direct Staff to consider the issues contained in his replacement memorandum, dated April 2, 2014, pertaining to the changes of the new Airport Ground Transportation Program directive. Council Member Rocha accepted the amendment.

Second Motion: Council Member Rocha moved approval of the Request for Proposal language attached to the memorandum from Director of Aviation Services Kimberly Becker Aguirre, dated August 21, 2014. Council Member Campos seconded the motion.

Brief Council discussion followed.

Action: On a call for the question, the motion carried unanimously, the memorandum from Council Member Rocha, dated August 22, 2014, was approved accepting the Staff recommendations, as amended: (1) The recommendations contained in the memorandum from Director of Aviation Services Kimberly Becker Aguirre, dated August 19, 2014, to extend the Taxi San José contract until *July 31, 2014*. (10-0-1. Absent: Khamis.)

On a call for the question, the second motion carried, the Request for Proposal (RFP) language attached to the memorandum from Director of Aviation Services Kimberly Becker Aguirre, dated August 21, 2014, was approved. (8-2-1. Noes: Liccardo, Oliverio. Absent: Khamis.)

When the Request for Proposal (RFP) returns to Council, Staff was directed to consider the issues contained in the replacement memorandum from Council Member Campos, dated April 2, 2014, pertaining to the changes of the new Airport Ground Transportation Program directive. (10-0-1. Absent: Khamis.)

## NOTICE OF CITY ENGINEER'S PENDING DECISION ON FINAL MAPS

In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>	<u>Proposed Decision</u>
10213	N/of Charlotte Dr., S/of Raleigh Rd.	2	Lennar Avenue One, LLC	114/99	SFD	Approve
10214	N/of Charlotte Dr., S/of Raleigh Rd.	2	Lennar Avenue One, LLC	59/53	SFD	Approve

## OPEN FORUM

Documents Filed: (1) Letter from William Leslie, dated August 22, 2014, concerning the removal of three Camphor trees at 756 North 18<sup>th</sup> Street and submitting a petition signed by neighbors to save the trees. (2) Papers submitted by Hannah Van Doren dated August 26, 2014 concerning the IMC Academy.

- (1) William Leslie complained about the removal of three Camphor trees in front of the residence on 756 North 18th Street and submitted a petition signed by nine people who would like to save the Camphor trees.
- (2) Hannah Van Doren, IMC Academy, presented background regarding the violation that states that one of the Academy's windows are more than 25% covered and submitted a package covering the violation.
- (3) Julie Fournier, IMC Academy, pointed out that the women at the fitness center need the protection of the window signs.
- (4) Judy Rickard expressed her support to the IMC Academy citing that the 25% window maximum coverage does not seem to be working.

Mayor Reed referred the issues at the IMC Academy to City Manager Edward K. Shikada.

## ADJOURNMENT

The Council of the City of San José was adjourned at 5:39 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

Toni J. Taber, CMC  
City Clerk

smd/08-26-14 MIN